

REMOVAL OF OYSTERS FROM THE WATERS OF YORK RIVER AND
QUEEN CREEK, VA., AFFECTED BY SEWAGE DISPOSAL EMA-
NATING FROM THE CONSTRUCTION BATTALION TRAINING CAMP
AT CAMP PEARY, VA.

OCTOBER 5 (legislative day, SEPTEMBER 15), 1943.—Ordered to be printed

Mr. McCARRAN, from the Committee on Commerce, submitted the
following

REPORT

[To accompany H. R. 2886]

The Committee on Commerce, to whom was referred the bill (H. R. 2886) to provide for the removal of oysters from the waters of York River and Queen Creek, Va., affected by sewage disposal emanating from the construction battalion training camp, at Camp Peary, Va., and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is indicated in the bill as reported by linetype and italic and is as follows:

Page 2, line 3, strike out the period and add the following:

: *Provided*, That there shall be no appropriation hereunder for liquidation of damages to owners or others.

Following is the report submitted by the House Committee on Merchant Marine and Fisheries, containing letters from the Acting Secretary of the Navy and the Secretary of the Interior, which is made a part of this report.

[H. Rept. No. 665, 78th Cong., 1st sess.]

The Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 2886) to provide for the removal of oysters from the waters of York River and Queen Creek, Va., affected by sewage disposal emanating from the construction battalion training camp, at Camp Peary, Va., and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to prevent the threatened destruction of a large quantity of oysters in York River and Queen Creek, Va., occasioned by the expansion of naval facilities in the area where those oysters are planted. The area is seriously threatened by sewage disposal emanating from the construction battalion training camp at Camp Peary, Va., and testimony before your committee disclosed that a survey had been made by the Navy from which it appeared that a considerable quantity of oysters in the waters contiguous to Camp Peary have become polluted, and the area has been restricted by order of the health authorities of the State of Virginia. The polluting agency is the construction battalion training camp at Camp Peary, Va., and this will continue for the duration of the emergency unless provisions are made to take care of the pollution from camp sewage, which would cost much greater sums than the relief afforded by this bill; in addition, provisions against pollution would not save for food the present stock of planted oysters which will be sorely needed as a supply of food.

So long as the present state of pollution continues, the owners of the oysters will be unable to market them and undoubtedly bills for relief will follow.

The study made by the Navy discloses that the oysters may be removed to unpolluted waters and in the course of several weeks would purify themselves and would become fit for human consumption when they would be marketable under the law.

Because of the large quantity of oysters involved and in view of the existing food shortage, some plan should be put into effect whereby these oysters may be conserved for food purposes, and the owners compensated therefor, in such manner as may be reasonable and just under the circumstances. The Navy Department made a survey and ascertained that the area involves a distance of approximately 7 miles, where there are 166,862 bushels of oysters on the bottoms, with an approximate valuation of \$136,000.

If provision is not made by the Navy or some organization, the oysters will die on the bottom and result in a waste of great sea-food value as well as financial loss to the owners.

Lt. Comdr. Swepson Earle was the engineer in charge of this survey. He was former commissioner of fisheries of the State of Maryland and a recognized authority on sea food, its importance and value to the Nation. Lieutenant Commander Earle reports that he knows of no other restricted oyster areas in the Chesapeake Bay or elsewhere which will parallel the York River and Queen Creek areas. In the latter areas the oysters are alive and when moved to another planting ground where the waters are approved by the Department of Health of the Commonwealth of Virginia they may be marketed for food after being overboard for a very limited period. In other areas, where dredging operations had to be carried out without delay, the salvaging of shellfish could not be considered. In such cases the oysters were destroyed by the material being dumped on them or pumped out with sand and clay to make a fill. Commander Earle has made other surveys and investigations for the Bureau of Yards and Docks and in every case the oysters were either destroyed or it was too late to save the shellfish.

Your committee is of the opinion that the program under contemplation by the Navy should be carried out and that it will be of material benefit.

Attached hereto is a favorable report from the Secretary of the Interior. There is also a report from the Acting Secretary of the Navy.

In the report from the Navy, it is suggested that the committee might consider it desirable to investigate the possibility that some other department or agency of the Government should undertake the work. Your committee thinks that relief should be afforded at once, that the training camp was constructed and is operated by the Navy, that the Navy has wisely made a complete survey of the conditions and methods of affording relief, and is better qualified to undertake the work contemplated than any other agency of the Government.

THE SECRETARY OF THE INTERIOR,
Washington, June 30, 1943.

HON. S. O. BLAND,

*Chairman, Committee on the Merchant Marine and Fisheries,
House of Representatives.*

MY DEAR MR. BLAND: On June 11 you requested this Department to submit its views and recommendations concerning H. R. 2886, a bill to provide for the removal of oysters from the waters of York River and Queen Creek, Va., affected by sewage disposal emanating from the construction battalion training camp, at Camp Peary, Va., and for other purposes.

I recommend that the bill be enacted.

I have been informed that the purpose of the bill is to compensate a number of oyster growers of a certain area for their losses caused by the condemnation of their oyster-producing grounds by State health authorities, and further, to provide for the removal of the oysters from the contaminated grounds and for their transplantation in areas where they will be rendered fit for human consumption. Because of the shortages of protein foods the conservation and ultimate utilization of these oysters is important, especially since the quantity involved is reported to be in excess of 150,000 bushels.

Since it appears that the Department of the Navy has already conducted the necessary investigations to assess the damage caused by pollution and has located suitable grounds to which the oysters can be transplanted, the early authorization of the proposed transplantation is believed to be desirable.

In view of your recent request that this report be made available for consideration at an early session of the committee, it has not been practicable to obtain the views of the Bureau of the Budget with respect thereto. Accordingly, no commitment can be made as to whether H. R. 2886 is in accord with the program of the President.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

NAVY DEPARTMENT,
Washington, July 1, 1943.

HON. SCHUYLER O. BLAND,

*Chairman of the Committee on the Merchant Marine and Fisheries,
House of Representatives.*

MY DEAR MR. CHAIRMAN: The bill (H. R. 2886) to provide for the removal of oysters from the waters of York River and Queen Creek, Va., affected by sewage disposal emanating from the construction battalion training camp, at Camp Peary, Va., and for other purposes, was referred by your committee to the Navy Department with request for report and recommendation thereon.

The purpose of the proposed legislation is to direct the Secretary of the Navy to investigate the damage to oysters in York River and Queen Creek, Va., resulting from sewage disposal from the camp at Camp Peary, and to take action to cause such oysters to be transplanted or otherwise to provide for their marketability for human consumption.

Due to the shortage of strategic materials, the Navy Department has not provided at Camp Peary the complete secondary sewage treatment necessary to reduce to a minimum the pollution of adjacent waters. As a result a considerable quantity of oysters in the waters contiguous to Camp Peary have become polluted and the area has been restricted by order of the health authority of the State of Virginia.

As long as the present state of pollution continues, owners of the oysters will be unable to market them. The oysters may be removed to unpolluted waters and in course of several weeks would purify themselves. They would then become fit for human consumption and would be marketable under law. It is understood, however, that most of the oyster growers affected do not have boat facilities or other means for transferring their oysters to other available areas.

No liability on the part of the United States is believed to have arisen in consequence of this situation. The Navy Department would, therefore, be opposed to any legislation predicated upon an assumption of Government liability to persons concerned. In view, however, of the substantial number of oysters involved, and the existing food stringency, it would appear to be desirable that some plan be adopted of conserving these oysters for food purposes and of enabling the growers to market them.

As indicated above, it is noted that the bill contemplates that the relief provided therein would be accomplished under the direction of the Secretary of the Navy. It is thought that the committee might consider it desirable, in this connection, to investigate the possibility that some department or agency of the Government, other than the Navy Department, should undertake this work.

Subject to the foregoing, the Navy Department interposes no objection to enactment of the proposed legislation.

There has been insufficient time to obtain advice from the Bureau of the Budget as to the relationship of this report to the program of the President.

Sincerely yours,

JAMES FORRESTAL, *Acting.*

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